

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

MORTON LIPETZ and EVELYN JEAN
LIPETZ, Individually and On Behalf of All
Others Similarly Situated,

Plaintiffs,

vs.

WACHOVIA CORPORATION, G.
KENNEDY THOMPSON and THOMAS J.
WURTZ,

Defendants.

x : Civil Action No. 08-6171
: :
: **DECLARATION OF DAVID R. SCOTT**
: **IN SUPPORT OF THE FULTON**
: **COUNTY EMPLOYEES'**
: **RETIREMENT SYSTEM FOR**
: **APPOINTMENT AS LEAD PLAINTIFF,**
: **AND FOR APPROVAL OF**
: **SELECTION OF LEAD COUNSEL AND**
: **LIAISON COUNSEL**
: :
x

I, David R. Scott, swear as follows:

1. I am a partner with the law firm of Scott + Scott LLP, counsel for lead plaintiff movant and class member Fulton County Employees' Retirement System ("Movant"). I make this declaration in support of Movant's Motion for Appointment as Lead Plaintiff and Approval of Selection of Counsel. I have personal knowledge of the matters stated herein and, if called upon, I could and would competently testify thereto.

2. Attached are true and correct copies of the following exhibits:

Exhibit A: Early Notice Published in *Prime Newswire* on June 9, 2008

Exhibit B: Movant's Plaintiff Certification

Exhibit C: Movant's Loss Chart

Exhibit D: Firm Resume of Scott + Scott LLP

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 8th day of August, 2008, at Colchester, CT

/s/ David R. Scott
DAVID R. SCOTT

CERTIFICATE OF SERVICE

I, David R. Scott, hereby certify that a copy of the foregoing was served on all parties on August 8, 2008 via the Court's ECF system.

/s/ David R. Scott

EXHIBIT A

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Press Release

Source: Labaton Sucharow LLP

Labaton Sucharow LLP Announces Filing of Securities Class Action Lawsuit Against Wachovia Corp. -- WB

Monday June 9, 3:35 pm ET

NEW YORK, June 9, 2008 (PRIME NEWSWIRE) -- Labaton Sucharow LLP filed a class action lawsuit on June 6, 2008 in the United States District Court for the Northern District of California, on behalf of persons who purchased the securities of Wachovia Corp. (NYSE:[WB](#) - [News](#)) ("Wachovia" or the "Company") between May 8, 2006 and April 11, 2008, inclusive (the "Class Period"). The complaint names Wachovia, G. Kennedy Thomson (former CEO), Thomas J. Wurtz (CFO) and Donald K. Truslow (Chief Risk Officer) as defendants (collectively, "Defendants"). The complaint alleges that during the Class Period Defendants violated Sections 10(b) and 20(a) of the Securities Exchange Act of 1934 by issuing various materially false and misleading statements about Wachovia's financial results and business operations, which had the effect of artificially inflating the market price of the Company's securities.

You can view a copy of the complaint online at <http://www.labaton.com/en/cases/Newly-Filed-Cases.cfm> or obtain it from the Court. The case number is C-08-02844 SC, and the Judge presiding over the case is the Honorable Samuel Conti.

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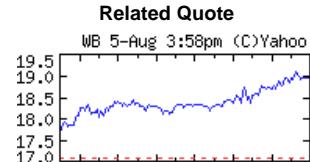
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In summary, the complaint alleges that Defendants misled investors by falsely representing that Wachovia had strict and selective underwriting and loan origination practices and a conservative lending approach that set it apart from other lenders. Such reassurances were repeated by defendants throughout the Class Period in order to artificially support Wachovia's stock price in the midst of a weakening mortgage market. In response to increased market concern with the mortgage lending industry, and Wachovia's option ARMs in particular, Wachovia falsely represented that its loan underwriting practices were much better than at other banks and that this would allow it to prosper while lenders with less exacting standards and procedures would fare

much worse. In reality, Wachovia's actual lending practices differed materially from the description of those practices in statements made to investors. The Company's ability to weather the deterioration in the real estate and credit markets was grossly exaggerated by Defendants, at precisely the worst time, when analysts began to ask tough questions. The Company, moreover, had inadequate loan loss reserves and falsely represented that its capital position was sufficient to fund its dividend.

Shortly after last assuring the market of its liquidity, the strength of its underwriting practices, and the adequacy of its reserves, Wachovia reported a surprise quarterly loss, undertook emergency measures to increase capital, and cut its dividend. On April 14, 2008, before the open of ordinary trading, Wachovia reported a loss of \$350 million, or \$0.20 per share, for the first quarter of 2008. The Company attributed the results to: (1) a \$2.8 billion increase credit loss reserves, including \$1.1 billion specifically for "Pick-A-Pay" reserve build, the lending program highly touted by the Company during the Class Period. The need to increase Pick-A-Pay reserves was attributed to Wachovia's adoption of a "refined reserve modeling" that resulted in "higher than expected loss factors on Pick-a-Pay"; and (2) \$2 billion in mark-to-market losses for mortgage backed securities, including a "\$729 million loss on unfunded leveraged finance commitments." In order to shore-up its capital, Wachovia announced the following steps: (1) reduce the dividend 41% to \$0.375; and (2) plan to raise capital by \$7-8 billion through public offerings.

In reaction to the news, shares fell from \$27.81 to \$25.55 (8.13%) on abnormally high volume.

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Plaintiff is represented by the law firm of Labaton Sucharow LLP, which has been representing plaintiffs in securities class actions for over 40 years.

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If you bought Wachovia securities between May 8, 2006 and April 11, 2008, inclusive, you may qualify to serve as Lead Plaintiff. Lead Plaintiff papers must be filed with the court no later than August 8, 2008. If you would like to consider serving as lead plaintiff or have any questions about the lawsuit, please contact one of our representatives or Andrei V. Rado, Esq. of Labaton Sucharow, at 800-321-0476. A lead plaintiff is a court-appointed representative party that acts on behalf of absent class members. You do not need to be a lead plaintiff in order to share in any recovery that may result from this litigation. You can share in a recovery as an absent class member by filing out claim forms that will be made available at the appropriate time.

More information on this and other class actions can be found on the Class Action Newsline at <http://www.primenewswire.com/ca>

Contact:

Labaton Sucharow LLP
Andrei V. Rado, Esq.
800-321-0476

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EXHIBIT B

**PLAINTIFF CERTIFICATION
PURSUANT TO FEDERAL SECURITIES LAWS**

I, James W. Stephens, on behalf of The Fulton County Employees' Retirement System ("Plaintiff") declare, as to the claims asserted under the federal securities laws, that:

1. Plaintiff has reviewed the Complaint and retains Scott + Scott, LLP, and such co-counsel it deems appropriate to associate with, to pursue such action on a contingent-fee basis.
2. Plaintiff did not purchase the security that is the subject of this action at the direction of Plaintiff's counsel or in order to participate in any action.
3. Plaintiff is willing to serve as a representative party on behalf of the class, including providing testimony at deposition and trial, if necessary.
4. Plaintiff's transaction(s) in the WACHOVIA CORP. (WB) security that is the subject of this action during the Class Period is/are as follows:

<u>No of Shares/Securities</u>	<u>Buy/Sell</u>	<u>Date</u>	<u>Price Per Share</u>
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See Attachment A

5. During the three years prior to the date of this Certification, Plaintiff served as a class representative or sought to serve as a class representative but was not appointed such in a federal securities fraud case for the following actions:

In re Countrywide Financial Corp. Sec. Litig., 07-cv-005295 (Not Appointed)

In re Tetra Technologies Inc. Sec. Litig., 08-cv-00963 (Appointed 6/27/08)

Plumbers & Pipefitters Local 562 Pension Fund v. MGIC Investment Corp., 08-cv-00458 (E.D. Wisconsin) (Motion Pending)

Wayne County Employees Retirement System v. MGIC Investment Corp., 08-cv-12080 (E.D. Michigan) (Motion Pending)

6. Plaintiff will not accept any payment for serving as a representative party on behalf of the class beyond Plaintiff's *pro rata* share of any recovery, except such reasonable costs and expenses (including lost wages) directly relating to the representation of the class as ordered or approved by the Court.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed this 29th day of July, 2008, at Atlanta, Georgia.

Signature: James W. Stephens
 Title: J. Chairman

**FULTON COUNTY EMPLOYEES' RETIREMENT SYSTEM PLAINTIFF
CERTIFICATION PURSUANT TO FEDERAL SECURITIES LAWS**

ATTACHMENT A

*Transactions in Wachovia Corp. (WB) Stock
May 8, 2006 - June 6, 2008*

<u>Date of Transaction</u>	<u>Purchase/Sale</u>	<u>Number of Shares</u>	<u>Price Per Share</u>
10/02/06	Purchase	35,105	\$32.6128
11/03/06	Purchase	200	\$54.4850
11/03/06	Purchase	600	\$54.4575
11/07/06	Purchase	200	\$55.6576
11/08/06	Purchase	100	\$55.7747
11/13/06	Purchase	600	\$55.6052
11/14/06	Purchase	400	\$55.6428
11/15/06	Purchase	700	\$55.4333
11/17/06	Sale	1,900	\$55.0102
11/20/06	Sale	1,800	\$54.9401
11/21/06	Sale	6,200	\$54.4863
11/22/06	Sale	1,700	\$54.5231
11/24/06	Sale	2,200	\$54.3400
11/27/06	Sale	4,100	\$53.9997
11/28/06	Sale	1,000	\$53.2813
01/30/07	Purchase	38,795	\$55.9695
02/28/07	Purchase	13,800	\$55.2838
04/16/08	Purchase	50,100	\$25.3542

EXHIBIT C

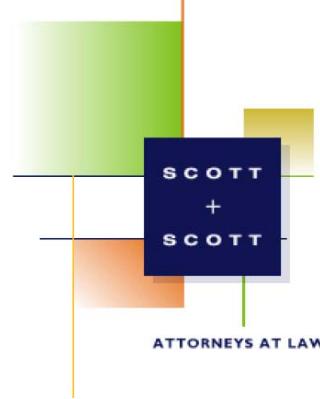
FULTON COUNTY EMPLOYEES' RETIREMENT SYSTEM**Transactions and LIFO Losses****Wachovia Corporation (WB)****Class Period: 05/08/06 - 06/06/08**

Movant's Name	Acquisition Date	Shares Purchased	Share Price	Total Cost	Disposition Date	Shares Sold/Held	Share Price	Total Proceeds	Total Gain (Loss)*
Fulton County Employees' Retirement System	4/16/2008	1,900	\$25.35	\$48,172.98	11/17/2006	1,900	\$55.01	\$104,519.38	\$56,346.40
	4/16/2008	1,800	\$25.35	\$45,637.56	11/20/2006	1,800	\$54.94	\$98,892.18	\$53,254.62
	4/16/2008	6,200	\$25.35	\$157,196.04	11/21/2006	6,200	\$54.49	\$337,815.06	\$180,619.02
	4/16/2008	1,700	\$25.35	\$43,102.14	11/22/2006	1,700	\$54.52	\$92,689.27	\$49,587.13
	4/16/2008	2,200	\$25.35	\$55,779.24	11/24/2006	2,200	\$54.34	\$119,548.00	\$63,768.76
	4/16/2008	4,100	\$25.35	\$103,952.22	11/27/2006	4,100	\$54.00	\$221,398.77	\$117,446.55
	4/16/2008	1,000	\$25.35	\$25,354.20	11/28/2006	1,000	\$53.28	\$53,281.30	\$27,927.10
	4/16/2008	31,200	\$25.35	\$791,051.04	Held*	31,200	\$20.84*	\$650,208.00	(\$140,843.04)
	2/28/2007	13,800	\$55.28	\$762,916.44	Held*	13,800	\$20.84*	\$287,592.00	(\$475,324.44)
	1/30/2007	38,795	\$55.97	\$2,171,336.75	Held*	38,795	\$20.84*	\$808,487.80	(\$1,362,848.95)
	11/15/2006	700	\$55.43	\$38,803.31	Held*	700	\$20.84*	\$14,588.00	(\$24,215.31)
	11/14/2006	400	\$55.64	\$22,257.12	Held*	400	\$20.84*	\$8,336.00	(\$13,921.12)
	11/13/2006	600	\$55.61	\$33,363.12	Held*	600	\$20.84*	\$12,504.00	(\$20,859.12)
	11/8/2006	100	\$55.77	\$5,577.47	Held*	100	\$20.84*	\$2,084.00	(\$3,493.47)
	11/7/2006	200	\$55.66	\$11,131.52	Held*	200	\$20.84*	\$4,168.00	(\$6,963.52)
	11/3/2006	600	\$54.46	\$32,674.50	Held*	600	\$20.84*	\$12,504.00	(\$20,170.50)
	11/3/2006	200	\$54.49	\$10,897.00	Held*	200	\$20.84*	\$4,168.00	(\$6,729.00)
	10/2/2006	35,105	\$32.61	\$1,144,872.34	Held*	35,105	\$20.84*	\$731,588.20	(\$413,284.14)
Totals:		140,600 shares purchased		\$5,504,074.99		18,900 shares sold; 121,700 shares retained		\$3,564,371.96	(\$1,939,703.03)

* For shares held at the end of the Class Period, damages are calculated by multiplying the shares held by the average share price during the 90 calendar days after the end of the Class Period. The price used is \$20.84 per share.

EXHIBIT D

SCOTT + SCOTT LLP



MISSION STATEMENT

The firm prides itself on its continuing dedication to client satisfaction and communication. Founded by alumni of larger firms, our attorneys encourage our clients to share their fiduciary, business and personal philosophies with us. We then invest the time to learn about our clients' operations and interests so that each representation can truly be a collaborative effort. We believe strongly that the practice of law should be conducted in a straightforward and honorable manner. We work diligently to ensure that intelligence, preparation and knowledge, as opposed to abusive and often counterproductive gamesmanship, are utilized to achieve the best result for our clients in a cost-effective manner. In so doing, we dedicate ourselves to practicing at the highest legal and ethical standards. We believe that our clients, as well as the numerous established law firms with whom we work and oppose, trust our word and respect the nature of our advocacy.

Scott + Scott regularly works with other firms on major litigation and with firms of only the highest quality and reputation so as to ensure the best representation for our clients. From its inception, the firm has been committed to producing legal work of the highest professional quality. It combines the flexible, informal and cooperative atmosphere of a smaller firm with a sophisticated practice, involving substantial and challenging legal issues more typically associated with larger firms.

Securities Class Action and Corporate Governance/Shareholder Derivative Litigation

Scott + Scott is a nationally recognized law firm that recovers money for individual and institutional investors who have suffered from corporate stock fraud through securities class action and corporate governance/shareholder derivative litigation. Scott + Scott's philosophy is simple – officers and directors of a corporation should be responsible to their shareholders and the public markets. The firm has participated in recovering billions of dollars and achieved precedent-setting reforms in corporate governance on behalf of investors and shareholders.

Employee Retirement Litigation

Scott + Scott actively litigates complex class actions across the United States on behalf of corporate employees alleging violations of the federal Employee Retirement Income Security Act of 1974 (ERISA). ERISA was enacted by Congress to prevent employers from exercising improper control over retirement plan assets and requires that pension and 401(k) plan trustees, including employer corporations, owe the highest fiduciary duties to retirement plans and their participants as to their retirement funds. Scott + Scott is committed to continuing its leadership

in ERISA and related employee-retirement litigation, as well as to those employees who entrust their employers with hard-earned retirement savings.

Antitrust Litigation

The firm is actively involved in litigating many complex antitrust cases throughout the United States. In such actions, Scott + Scott works to ensure that the markets remain free, open and competitive to the benefit of both consumers purchasing and business enterprises operating in such markets. In addition to traditional price-fixing cases, the firm has taken the lead in a number of novel antitrust claims throughout the United States.

Consumer Rights Litigation

Scott + Scott regularly represents aggrieved consumers in a variety of class action cases pending throughout the United States. In addition to more typical cases involving consumer finance issues, such as *In re: Providian Credit Card Litigation* (Superior Court of California, County of San Francisco), the firm is litigating cases against a number of health maintenance organizations (HMO) and other corporate defendants, including: *Albert v. Physician Health Services of Connecticut, Inc.* and *O'Brien v. Aetna, Inc. and Aetna-U.S. Healthcare, Inc.* (United States District Court, District of Connecticut); *Medical Society of the State of New York v. Connecticut General Corporation, et al.* (New York Supreme Court, County of New York); and *Granito, et al. v. International Business Machines, Inc.* (Connecticut Superior Court). Scott + Scott also has been involved in a number of major consumer fraud cases under state consumer protection laws, including: *Harnage v. Publishers Clearing House* (Connecticut Superior Court); *Gould v. IDT Corporation* (United States District Court, District of New Jersey); *In re: Kava Kava Litigation* (Superior Court of California, County of Los Angeles); *Fischer, et al. v. MasterCard International, Inc., et al.* (New York Supreme Court, County of New York); and *Paton, et al. v. Cingular Wireless, et al.* (Superior Court of California, County of San Francisco).

Human Rights & Civil Rights Litigation

Scott + Scott is also an advocate of human and civil rights. For instance, Scott + Scott was active in the *World War II Era Japanese Forced Labor Litigation*, suing Japanese companies in U.S. court on behalf of thousands of aging veterans and civilians forced to work as slaves for Japanese corporations during World War II. In addition, Scott + Scott currently represents a nationwide class of workers of United Parcel Service (UPS), alleging that UPS violates the Americans with Disabilities Act.

ATTORNEY BACKGROUND AND EXPERIENCE

MELVIN SCOTT is a graduate of the University of Connecticut (B.A. 1950) and the University of Kentucky (M.A. 1953; LL.B. 1957). Mr. Scott founded the firm in 1975. He is admitted to practice in Kentucky (now retired), Connecticut and Pennsylvania. Mr. Scott was a member of the Kentucky Law Review, where he submitted several articles for publication. He has served as an Attorney Trial Referee since the inception of this program in the State of Connecticut and is a member of the Fee Dispute Committee for New London County. Mr. Scott also formerly served as a Special Public Defender in criminal cases and as a member of the New London County Grievance Committee. Mr. Scott actively represents aggrieved parties in securities, commercial and criminal litigation and served or serves as counsel in: *Irvine, et al. v. ImClone Systems, Inc., et al.*; *Schnall, et al. v. Annuity and Life Re (Holdings) Ltd., et al.*; *In re: 360networks Class Action Securities Litigation*; *In re: General Motors ERISA Litigation*; and *Hohider v. UPS*, among others.

DAVID R. SCOTT is a graduate of St. Lawrence University (B.A., *cum laude*, 1986), Temple University School of Law (J.D., Moot Court Board, 1989) and New York University School of Law (LL.M. in taxation). He concentrates in commercial and class action trial work. Mr. Scott's trial work involves antitrust, intellectual property, commercial and complex securities litigation. Mr. Scott's antitrust litigation experience includes matters dealing with illegal tying, price-fixing and monopolization actions. He has served as lead counsel in numerous antitrust and securities class action lawsuits. Notably, Mr. Scott served as co-lead counsel in *In re: Priceline.com Securities Litigation* (\$80 million settlement); *Thurber v. Mattel, Inc.* (\$122 million settlement); *In re: Emulex Corp. Securities Litigation* (\$39 million settlement); *In re: Sprint Securities Litigation* (\$50 million settlement); *In re: Northwestern Corporation Securities Litigation* (\$61 million settlement); *Irvine, et al. v. Imclone Systems, Inc., et al.* (\$75 million settlement); *Schnall, et al. v. Annuity and Life Re (Holdings) Ltd., et al.* (\$16 million settlement); and *In re: Qwest Communications International, Inc.* (significant corporate governance reforms and \$25 million for the company), among others. His securities litigation experience includes matters dealing with securities fraud class actions, derivative/corporate governance litigation and representation of start-up technology companies in private securities litigation. Presently, Mr. Scott is serving as lead counsel in: *In re: General Motors ERISA Litigation*; *In re: Guidant Corp. Securities Litigation*; and *Shirk v. Fifth Third Bancorp, et al.*; among others. Mr. Scott is admitted to practice in Connecticut, Pennsylvania, New York, the United States Tax Court and many United States District Courts.

ARTHUR L. SHINGLER is a graduate of Point Loma College (B.A., *cum laude*, 1989) and Boston University School of Law (J.D. 1995). Mr. Shingler specializes in complex consumer and securities class actions, as well as related shareholder derivative litigation. Mr. Shingler is or has been counsel in numerous actions, including: *In Re: Lattice Semiconductor Derivative Litigation*; *In re: Priceline.com Securities Litigation*; *In re: 360networks Class Action Securities Litigation*; *Irvine, et al. v. ImClone Systems, Inc., et al.*; *In re: Cyberonics Securities Litigation*; *Lancaster, et al. v. Royal Dutch Petroleum Co.*; *In re: HealthSouth Corporation Derivative Litigation*; and *In Re: Guidant Corp. Securities Litigation*, among other representative actions. In

addition to numerous successful recoveries in class litigation, of particular note are Mr. Shingler's efforts on behalf of the class in the Halliburton securities litigation, where he successfully argued against final approval of an inadequate settlement and continues to represent plaintiffs as the action proceeds. Mr. Shingler also played a primary role in substantially changing executive management and corporate governance, as well as advancing shareholder rights in the Lattice Semiconductor Derivative Litigation. Of additional note, Mr. Shingler has represented aggrieved class members in a number of consumer protection actions and has been instrumental in expanding and clarifying consumer and class interests nationwide. As two examples, Mr. Shingler was fundamentally involved before the Massachusetts Supreme Judicial Court in shaping the contours of class certification under Massachusetts state law (*Weld v. Glaxo Wellcome, Inc.*, 434 Mass. 81 (2001)) and, before the California Court of Appeals, in shaping the scope of California's Unfair Practices Act and the limits of its False Claims Act (*Rothchild v. Tyco Internat. (US), Inc., et al.*, 83 Cal. App. 4th 488 (Cal. App. 4th D.C.A. 2000)) Mr. Shingler is admitted to practice before the Supreme and all other Courts of the State of California, the United States Court of Appeals for the Third Circuit, and various United States District Courts.

BETH KASWAN has represented plaintiffs in cases involving securities and consumer fraud since 1998. Prior to 1998, Ms. Kaswan served in the Giuliani administration as New York City's Chief Procurement Officer, a Deputy Commissioner in the Department of Investigations and the Finance Department's Chief Counsel.

Ms. Kaswan, having majored in accounting at college, began her career at Peat, Marwick, Mitchell & Co. and later served as a trial attorney with the U.S. Department of Justice, Tax Division. In 1985, she joined the U.S. Attorney's Office for the Southern District of New York, and was promoted to Chief of Commercial Litigation and then Deputy Chief of the Civil Division. While employed by the government, Ms. Kaswan litigated several high-profile cases to judgment, including the landmark case of *United States v. Gleneagles Inv. Co.*, where following a multi-stage, thirteen month trial, the fraudulent conveyance laws were first applied to set aside a leveraged buy-out. She also represented the Federal Reserve for its enforcement actions against the rogue bank, BCCI, leading to the global RICO plea agreement and forfeiture of BCCI's \$550 million of United States assets; the IRS for its \$5 billion claim against Drexel, the Defense Department and MARAD for *qui tam* and other false claims actions against Goodyear Aerospace, Loral and General Dynamics and the FDA to enjoin the manufacture of adulterated generic drugs. See, e.g., *United States v. Gleneagles Inv. Co.*, 565 F. Supp. 556 ("Gleneagles I"), 571. F. Supp. 935 ("Gleneagles II"), 584 F. Supp. 671 ("Gleneagles III") (M.D. Pa. 1981), aff'd in part and rev'd in part sub. nom., *United States v. Tabor Ct. Realty Corp.*, 803 F.2d 1288 (3d Cir. 1986); *In re Smouha ("BCCI")*, 136 B.R. 921 (S.D.N.Y. 1992); *United States v. Davis*, 803 F. Supp. 830 (S.D.N.Y. 1992), aff'd in part and rev'd in part sub. nom., *United States v. General Dynamics Corp.*, 19 F.3d 770 (2d Cir. 1994); *United States v. Barr Laboratories, Inc.*, 812 F. Supp. 458 (D.N.J. 1993).

Ms. Kaswan received several awards from the Justice Department and the agencies she represented, including the Justice Department's John Marshall award, Special Commendation from the Attorney General, a Superior Performance award from the Executive Office of U.S. Attorneys, Tax Division Outstanding Achievement awards, and awards from the FDA Commissioner and U.S. Customs Service. She has testified before the New York legislature as a government expert on

money-laundering and lectured in Justice Department training programs on evidence and other subjects.

CHRISTOPHER M. BURKE is a graduate of The Ohio State University (BA 1989), William & Mary (MA 1988) and the University of Wisconsin (MA 1989; JD 1993; PhD 1996). Mr. Burke's principle practice is in complex antitrust, consumer and other representative litigation. Prior to joining Scott + Scott, his practice centered on complex antitrust litigation including *In re Payment Card & Merchant Fee Antitrust Litigation* and *In re Truck Fuel Antitrust Litigation*. Mr. Burke served as co-lead counsel in *In re Currency Conversion Antitrust Litigation* (\$336 million settlement), *In re Payment Card & Merchant Fee Antitrust Litigation* and was one of the trial counsel in *Schwartz v. Visa* (\$800 million plaintiff verdict). Currently, Mr. Burke is one of the lead counsel in the *In re Private Equity Antitrust Litigation*. Mr. Burke has also served as an Assistant Attorney General at the Wisconsin Department of Justice, and has lectured on law-related topics including constitutional law, law and politics and civil rights at the State University of New York at Buffalo and at the University of Wisconsin. Mr. Burke's book, *The Appearance of Equality: The Supreme court and Racial Gerrymandering* (Greenwood, 1999), examines conflicts over voting rights and political representation within the competing rhetoric of communitarian and liberal strategies of justification. Mr. Burke is admitted to practice by the Supreme Court of the State of California, Supreme Court of the State of Wisconsin, and numerous additional United States District Courts.

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